

EXHIBIT C-8



The Outbound Ghost Publisher Takes Legal Action Following Dev Complaints And Steam Page Edits

Update: "We hope that the need for legal interventions is short lived"



by Jim Norman · Mon 12th Dec 2022

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| Image: Digerati

Update #2 [Mon 12th Dec, 2022 11:10 GMT]: After hearing from the lead developer of The Outbound Ghost last week, publisher Digerati has now responded with a full statement regarding the game's release, including legal action following lawsuit threats from Conradical Games.

In a complaint registered with The U.S. District Court, Digerati has stated that the developer has "trampled" on the team's contractual rights and it is therefore opening a lawsuit to order Conradical to "perform its obligations under the Licensing Agreement to ensure the success of The Outbound Ghost."

The publisher says it remains hopeful that it can mend the relationship with the development team (previously described by Conradical as "dissolved") and believes that the division between the two has been worsened by "forces outside either party".

The change in the partnership is described in the statement as "sudden" and the ensuing legal action is stated to be solely for the purposes of ensuring the game's success rather than a financial matter. The publisher repeats the desire for an amicable reconciliation between the parties.

▼ ARTICLE CONTINUES BELOW ▼

DIGERATI_000440

Here is the full statement Digerati provided alongside the complaint:

While it is absolutely not something we wanted to do, we have been forced into a position that requires us to protect our rights under the licensing agreement with Conradical. We remain hopeful that we will still be able to resolve this issue amicably, and will be able to cooperate on the continued improvement of the performance of The Outbound Ghost. However, we simply can not sit by and be dragged through the mud in a public forum, nor can we allow our contractual rights to be trampled without exerting some form of remedy. In the lawsuit, we are asking the Court to order Conradical to perform its obligations under the Licensing Agreement to ensure the success of The Outbound Ghost. We are not seeking money at this time because we want to return to the path where The Outbound Ghost would be successful.

Given the sudden change in the nature of our relationship with Conrad, as well as other information we have received, we have a reasonable suspicion that forces outside either party have interfered to sew division between us from the developer side. This is an area in need of addressing. We look forward to the potential of reclaiming a positive relationship with Conradical once they can accept and acknowledge that we have not done them wrong.

▼ ARTICLE CONTINUES BELOW ▼

As Digerati has repeatedly stated in private; Digerati is ready, willing, and able to work with Conradical to ensure the success of The Outbound Ghost and Conradical as a continuing partner. We hope that the need for legal interventions is short lived, and this matter can be settled immediately.

As to patch timing, the initial patch for the Switch remains with Nintendo for release timing, and should be applied in the next few days. We will continue monitoring qualified feedback from anyone playing the game who would like to share their experience in the game via @DigeratiDM.

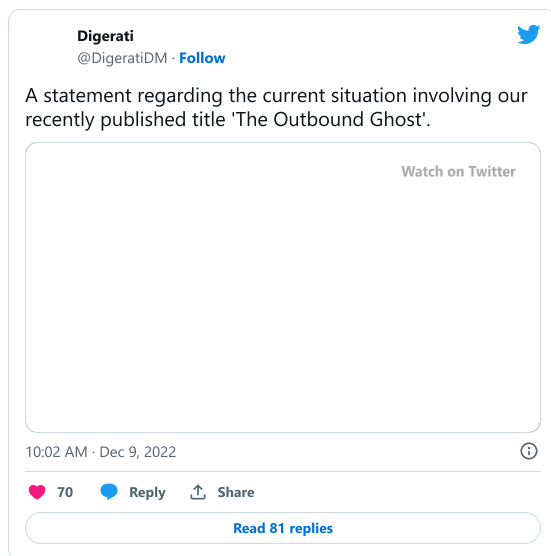
Each and every one of the consumers who have purchased the game, either digital or physical, should rest assured that performance issues will be corrected as found.

This is not a normal situation for us either, and it has also been as unsettling from our side as it has for those sitting across from us.

Digerati's complaint follows the recent edits made to the game's [Steam Page](#) which saw the game being renamed to "This game is no longer authorized by the developer" with the removal of all trailers and screenshots. While many of these edits have since been removed, the title remains unavailable to purchase on Steam.

Such changes prompted the following video statement from Digerati owner Sarah Alfieri, which was posted to Twitter over the weekend:

▼ ARTICLE CONTINUES BELOW ▼



In the video, the owner reiterates many of the comments which would later be formally made in the official legal complaint. On top of reaffirming that the company has been "blindsided" by the sudden change in the working relationship, Alfieri claims that the developer has attempted to use "the tragic and sudden death" of former Digerati owner, Nick Alfieri, as the reason for terminating the contract.

In each of these statements, the publisher continues to state that it is listening to player feedback, stating that all "should rest assured that performance issues will be corrected as found."

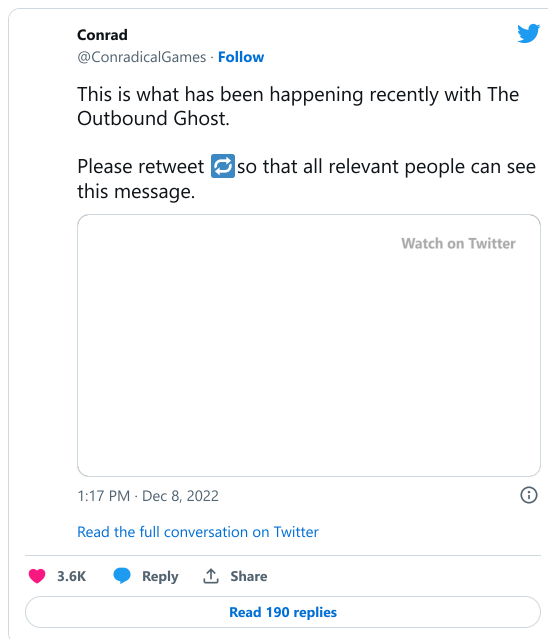
Update [Fri 9th Dec, 2022 13:30 GMT]: Just last week we heard from the team behind the 2.5D Paper Mario-like, The Outbound Ghost, that the version released to Switch had not been approved and was suffering from performance issues.

The lead developer, Conrad Grindheim, has now issued a full video statement claiming that these problems stem from a difficult relationship with the game's publisher. While the partnership has been dissolved in the ensuing week, the developer claims that the publishing studio is continuing to profit from the situation.

The statement also makes clear that those who backed the game's Kickstarter campaign will be receiving all that they were promised when the team is happy with the final product. It seems that Conractical Games plans to self-publish the title in the future, though it is unclear as to when this will be while the team studies "the appropriate legal actions" to take against the publishers.

▼ ARTICLE CONTINUES BELOW ▼

You can watch Grindheim's full statement in the video below:



Original article [Fri 2nd Dec, 2022 15:30 GMT]: We have been hotly anticipating the release of **The Outbound Ghost** for a good few months now. A 2.5D **Paper Mario** tribute with an adorable little ghosty as the main character? What's not to like! Unfortunately, it seems that the game which was released on Switch yesterday is not the version that the developer, Conradical Games, ever wanted to see the light of day.

Published in a post on the game's official Twitter account, [@OutboundGhost](#), the developer apologised for the state that the game currently finds itself in. According to this message, the lead developer received a number of comments concerning issues with the game at launch and has now gone public, stating that "I never wanted this version of the game to come out", but the release was out of their control.

You can find the full statement in the following tweet.



Reading through the replies in the time following this announcement, it appears that the issues with the game stem from it being released in a rushed state without time for sufficient testing. Although we are still yet to get our hands on the game itself, the problems seem to be surrounding the absence of language options and issues with performance.

▼ ARTICLE CONTINUES BELOW ▼

Those who pre-ordered the game will still receive their copy, but the developer has stated that it is not up to its quality standards.

Responding to one customer, the developer seemed to suggest that it was not able to test the game itself, potentially pointing towards the publisher as the pushing force behind the game's rushed release.



What runs clear throughout all of the messages and responses in the announcement thread is that Conradical Games is doing everything that it can to amend the situation and ensure that the game is patched as quickly as possible. Here's hoping that the team can get the issues sorted and release the title as it was intended.

For the moment, it seems, the only version of The Outbound Ghost which has been approved by the developer is the one available on [Steam](#). Switch users will have to wait for a patch before knowing what the game is like in its intended state.

What do you make of this news? Did you have the game pre-ordered? Let us know in the comments!

[source [twitter.com](#)]

See Also:

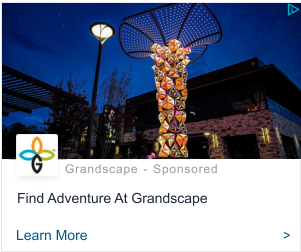
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♥ 3 💬 40

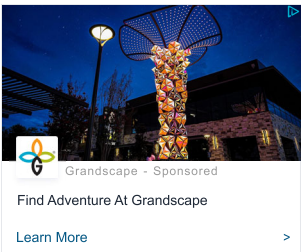


About Jim Norman



Be it rambling about video games or superheroes, Jim wears his passions on his sleeve. Usually found replaying a Zelda title instead of working through his ever-growing backlog, he is a huge fan of all-things fantasy and likes nothing more than to chat about it.

Author Profile | Twitter | Reply



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Comments (40)



Anti-Matter Fri 2nd Dec 2022

#1

It's also happened to PS4 / PS5 version physical release??
Dang!
I will wait the reprint of the fixed version.

4



Drac_Mazoku Fri 2nd Dec 2022

#2

You can feel the genuine desperation of the dev in front of the situation the publisher put him through. That's such a sad story. If only it wasn't so hard for small indie dev to self-publish, even in physical format. I feel I've heard this kind of horror story a lot this past year!

21

Jey887 Fri 2nd Dec 2022

#3

When will Publishers learn? It's ridiculous how often this is happening now. It's usually not the devs fault, it's the idiots in suits beholden to shareholders.

14

blindsquarel Fri 2nd Dec 2022

#4

It's a sad situation, and I feel bad for the guy, but I am so glad I didn't pull the trigger day one like I originally planned.

7

tseliot Fri 2nd Dec 2022

#5

Not big on preorders, as they have become unnecessary in modern day, but this isn't the type of game I would preorder, even when I did. Good on the developer, but that single tweet probably just killed his game.

0

Savage_Joe Fri 2nd Dec 2022

#6

Take notes, Game Freak

5

Sequel Fri 2nd Dec 2022

#7

Nintendo need to be forced to issue refunds like the steam store. Completely unacceptable. Maybe game freak would get their act together then too

5

- ModdedInkling

Fri 2nd Dec 2022

#8

Now this has become a real issue. Looks like it's time for them to look for a different publisher.

2
- Nintendancies

Fri 2nd Dec 2022

#9

Oh look, someone who actually cares about the state of their game.
This one had to wait till payday anyway, but I'm confident they will fix it up by the time I get a chance to play it.

6
- ChromaticDracula

Fri 2nd Dec 2022

#10

It blows my mind that your game just gets released and it's not even the version you, the developer, approved.
I just can't wrap my head around it.
But yeah, GameFreak, take a peek at this article.

5
- DiggieDog

Fri 2nd Dec 2022

#11

Actually gutted for the dev. Obviously very passionate and despondent this has happened. Game looks charming and I'll probably pick it up down the line.

3
- nocdaes

Fri 2nd Dec 2022

#12

I don't think we should instantly point fingers at the publisher! They have a business to run that involves a very complex logistics operation that relies on tight timings.

The developer needs to, ideally, meet their timeline but at the very least flag early if there's a delay.

At some point in the last 12 weeks, the publisher and the developer made the joint decision to go ahead.

Get on with the patch work, and stop helping people get refunds! How does that help?! You're sending 1 on 1 replies to customers... say sorry if you want, and tell them a patch is on the way. They'll likely respond positively to the personal response!

3
- bluemyst

Fri 2nd Dec 2022

#13

This is exactly what happened back in the 1980s with the Atari 2600 game ET. The publisher desperately wanted to release the game for the holiday season so the developer was given only 6 weeks to write the entire game.

It was a disaster. Publishers haven't learned a thing since then. The developer who produced the game also produced one of the best games for the system Yar's Revenge.

4
- MattAllsopp

Fri 2nd Dec 2022

#14

@blindsquarel I nearly bought it yesterday, but then thought I'd await the review on here. It looked so good as well 😊 😊

3
- Crockin

Fri 2nd Dec 2022

#15

Kinda passing the buck, but hey what can ya do

1
- jojobar

Sat 3rd Dec 2022

#16

i have the feeling that many publishers do this all the time... a good port is just too expansive for them and thats the reason why we have so many bad ports on the switch

1
- RetroOutcast

Sat 3rd Dec 2022

#17

And this is why we need another market crash. Seriously...where is the quality control anymore? I feel awful for the dev but this just keeps happening on both the AAA and indie front to a point where it's almost comical.

0
- umbreon_sylveon

Sat 3rd Dec 2022

#18

I bought it and accidentally got 2 copies lol. Started it today and... I want to play it! But the problems stack on fast. I'm getting lag while doing the action timing commands (that's critical in paper Mario games!) and also an obscene amount of loading before EVERY fight. I'm talking 5-15 seconds. I'm talking, you can consider taking a break and peeing when you run into an enemy.

It's very fun, but you need a lot of patience to play it as it is currently on switch.

0

Drac_Mazoku Fri 9th Dec 2022	#19
I truly wish he can get his right back so he can self-publish when he's satisfied with the product. So many small indie dev had to battle against greedy publishers these past few years, it's so sad.	
♥ 1	
Anti-Matter Fri 9th Dec 2022	#20
So, only Switch version have problem but PS5 version have no issues ?	
♥ 0	
Bunkerneath Fri 9th Dec 2022	#21
So us with a physical version, what do we do?	
♥ 0	
Bobb Fri 9th Dec 2022	#22
It takes a lot to step up and talk so frankly and publicly about this. I hope the dev gets his rights to the game as soon as possible and manage to publish the version he envisioned	
♥ 2	
Shredderlovespizza Fri 9th Dec 2022	#23
This is a big reason why I stopped preordering games. I almost always wait about a month after release now. So many games end up being patched, etc. even the AAA ones that buying day one can be a hazard. Feel for this guy though, hopefully they'll get a patch out and those who bought it will end up with a good game, but this also means the physical copy, like so many, isn't any good with updates.	
♥ 1	
EaglyPurahfan Fri 9th Dec 2022	#24
Take notes gamefreak this is how you apologize	
♥ 0	
PessitheMystic Fri 9th Dec 2022	#25
@Sequel this isn't Nintendo's fault here, it's the publisher for releasing what the lead developer considered to be an unfinished product. Publishers can slap whatever they want on the eShop, there's soooo much garbage on there.	
♥ 3	
Paraka Fri 9th Dec 2022	#26
@Anti-Matter - All versions published by Merge are a buggy mess.	
♥ 0	
jorel262 Fri 9th Dec 2022	#27
BTW the Publisher in question is Digerati Distribution. Not sure why that isn't mentioned in the article. I'm not familiar with them.	
♥ 0	
Ashunera84 Fri 9th Dec 2022	#28
@nocdaes this is just catering to the publisher. "Meeting deadlines" simply is not always possible in software development. Software development is more complex than anything any publisher has ever had to do. Publishers absolutely must find ways to be more flexible or they'll only hurt themselves (and in this case may just outright destroy the publisher).	
♥ 2	
Nintendancies Mon 12th Dec 2022	#29
After that update it certainly seems the dev is acting a bit childish, but then we don't know what kind of crunch he was under. There are always two sides to a story. I genuinely will buy this game regardless of it's circumstances, as soon as there have been some patches.	
♥ 1	
ModdedInkling Mon 12th Dec 2022	#30
Can't stop people from supposedly telling the truth. Another one of those situations where we'll have to wait and see this unfold more.	
♥ 0	
Serpenterror Mon 12th Dec 2022	

- @RetroOutcast

The videogame crash of 1983 never happen cause it only affects the USA. Japan and the whole world didn't get too focus into gaming until 1984 or later, before that everyone was playing computers instead.

#31
- ♥ 1
- EaglyPurahfan

Mon 12th Dec 2022

#32
- Things are getting confusing after the bayonetta incident let's not jump to conclusions wait before forming your opinions. We don't know how much we've been told is true or if it's been twisterd. You don't need an opinion at this very second
- ♥ 4
- kaisu

Mon 12th Dec 2022

#33
- Sadly, self-publishing is quite hard and expensive even for bigger developers. The gaming industry shoud give more space and recognition to smaller devs, but in a world of consolidation and "big is better" mentality, it is basically a utopian dream
- ♥ 0
- garfreek

Mon 12th Dec 2022

#34
- Oh she, head of publishing, played the widow card!! Strap in guys this will be a ride!
(Seriously, hope it'll work out the game looks good!)
- ♥ 2
- Violator

Mon 12th Dec 2022

#35
- So much gnashing of teeth around legal actions, funds, and crunch, and yet no one could have devised a more marketable name for this software. It sounds like something you might use to refer to a work email mistakenly sent before it was ready.
- ♥ 2
- Asaki

Mon 12th Dec 2022

#36
- So the Steam version is the only authorized one, but then they changed their mind and took it down?

Looks like it's back up, at any rate...
- ♥ 0
- Chlocean

Tue 13th Dec 2022

#37
- Y'know what this means- get the game while you can because it could be pulled from the store at any moment.
- ♥ 0
- Kitsune_Rei

Tue 13th Dec 2022

#38
- I was so excited for the gameplay style, art and ghost theme, but I'd been seeing reviews that the story was pretty meh and the gameplay got old fairly quick so I waited. I'm sorry for what's going on with them and I hope they can fix the game without ruining its reputation.
- ♥ 0
- Kitsune_Rei

Tue 13th Dec 2022

#39
- @Chlocean I thought about it, but if it's not a good finished version, why get it?
- ♥ 0
- Chlocean

Tue 13th Dec 2022

#40
- @Kitsune_Rei Thats fair I just dont think performance is that important to me, I've enjoyed so many subpar ports that were otherwise critically panned. That's more a personal thing though.
- ♥ 0

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Hold on there, you need to *login* to post a comment...

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Game Profile

Title:
The Outbound Ghost

System:
Switch eShop

Also Available For:
PS4, PS5

Publisher:
Digerati



DIGERATI_000449

Developer:
Conradical Games

Genre:
Adventure, Puzzle, RPG

Players:
1

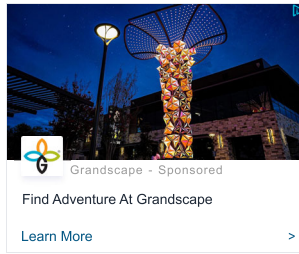
Release Date:
Switch eShop
🇺🇸 1st Dec 2022, \$24.99
🇬🇧 1st Dec 2022, £22.49

Reviews:
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Official Site:
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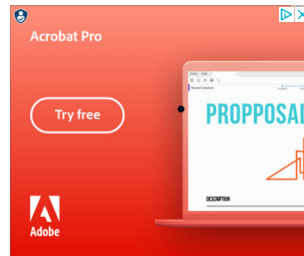
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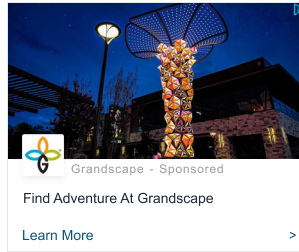
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